

EXHIBIT #2

1 Steve W. Berman
2 *steve@hbsslaw.com*
3 HAGENS BERMAN SOBOL SHAPIRO LLP
4 1918 Eighth Avenue, Suite 3300
5 Seattle, WA 98101
6 Telephone: (206) 268-9320
7 Facsimile: (206) 623-0594

8 Marc M. Seltzer, Bar No. 054534
9 *mseltzer@susmangodfrey.com*
10 SUSMAN GODFREY L.L.P.
11 1901 Avenue of the Stars, Suite 950
12 Los Angeles, CA 90067-6029
13 Telephone: (310) 789-3102
14 Facsimile: (310) 789-3006

15 *Co-Lead Counsel for Consumer Economic Loss*
16 *Plaintiffs*

17 Frank M. Pitre, Bar No. 100077
18 *fpitre@cpmlegal.com*
19 COTCHETT, PITRE & MCCARTHY
20 840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577

21 *Lead Counsel for Non-Consumer Economic Loss*
22 *Plaintiffs*

23 UNITED STATES DISTRICT COURT
24
25 CENTRAL DISTRICT OF CALIFORNIA

26 IN RE: TOYOTA MOTOR CORP.
27 UNINTENDED ACCELERATION
28 MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION

Case No. 8:10ML2151 JVS (FMOx)
SECOND AMENDED ECONOMIC
LOSS MASTER CONSOLIDATED
COMPLAINT

29 This Document Relates To:
30
31 ALL ECONOMIC LOSS ACTIONS

JURY TRIAL DEMANDED

1 trade in allowance, or at a minimum address their concerns about the car's resale
2 value. The dealer refused to repurchase the car or address their concerns about the
3 resale value. The Barkers saw advertisements for Toyota vehicles on television, in
4 magazines, on billboards, in brochures at the dealership, and display ads while
5 driving past the dealership during the 10 years before they purchased their Toyota
6 Corolla on March 3, 2010. Although they do not recall the specifics of the many
7 Toyota advertisements they saw before they purchased their Corolla, they do recall
8 that safety and reliability were a consistent theme across the advertisements they
9 saw. Those representations about safety and/or reliability influenced their decision
10 to purchase their Corolla. Had those advertisements or any other materials disclosed
11 that Toyota vehicles could accelerate suddenly and dangerously out of the driver's
12 control and lacked a fail-safe mechanism to overcome this, they would not have
13 purchased their Corolla. If they had purchased it, they certainly would not have paid
14 as much for it.

17 37. Plaintiff Richard Benjamin is a resident and citizen of Missouri. He
18 owns a 2007 Toyota Sienna. Mr. Benjamin began investigating a trade of his 2007
19 Sienna for a 2011 Sienna just before the recalls were made public. He has seen his
20 trade-in value drop \$2,000 since the recalls according to KELLEY BLUE BOOK, NADA
21 GUIDE, and Edmunds.com. Mr. Benjamin saw advertisements for Toyota vehicles on
22 television, in magazines, on billboards, in brochures at the dealership, and on the
23 Internet for several years before he purchased his Toyota Sienna on October 25,
24 2007. Although he does not recall the specifics of the many Toyota advertisements
25 he saw before he purchased his Sienna, he recalls that safety and reliability were a
26 consistent theme across the advertisements he saw. Those representations about
27
28

- (c) Injunctive relief, restitution and appropriate relief under CAL. BUS. & PROF. CODE § 17500;
- (d) For appropriate damages for breach of express and implied warranties;
- (e) For revocation of acceptance;
- (f) For damages under the Magnuson-Moss Warranty Act;
- (g) Punitive damages;
- (h) For damages as allowed by the laws of the states as alleged in the alternate counts;
- (i) Attorneys' fees; and
- (j) An injunction ordering Toyota to implement an effective fail-safe mechanism on all vehicles with ETCS.

DATED: January 10, 2011.

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Steve W. Berman
Steve W. Berman
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
Email: steve@hbsslaw.com

By: /s/ Marc M. Seltzer
Marc M. Seltzer (State Bar No. 054534)
SUSMAN GODFREY LLP
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
Email: mseltzer@susmangodfrey.com

Plaintiffs Co-Lead Counsel for Economic Loss Cases (Consumer)